

REMARKS

Upon entry of this amendment, claims 2-6, and 8-16 are pending. Claims 2, 5, 8-11, 14, 16, 21 and 27 have been amended, and claims 1, 7 and 29-33 have been cancelled. No new matter has been added, and the application is believed to be in condition for allowance. Reconsideration of the application is respectfully requested.

In the Office Action, the Examiner:

- objected to claims 1-6 and 16-28 as containing informalities;
- rejected claims 1 and 7-10 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Application Publication No. 2004-0121545 to Chen et al. ("the Chen application");
- objected to claims 2-6, 11-15, 17-20 and 22-28 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
- noted that claims 16 and 21 would be allowable if amended to overcome the informality objections.

Objections

Claims 2-6, 11-15, 17-20 and 22-28 stand objected to as being dependent upon a rejected base claim, but the examiner has indicated in the Office Action that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 2

Claim 2 has been rewritten in independent form, including all of the limitations of independent claim 1, which has been cancelled. Claim 2 has also been amended to clarify the recitation of the etch steps recited in original claim 1. Claim 2 has further been amended to recite "...providing a substrate; patterning a first layer of polysilicon over said substrate ..." in lieu of "... providing a substrate, at least one patterned first layer of polysilicon having been

created over said substrate . . .," in order to distinguish amended claim 2 from claim 16.

Additional amendments to claim 2 have been made to ensure proper antecedent basis exists within the claim.

Applicant, therefore, requests that the objection to this claim be withdrawn and that claim 2 be allowed. With respect to claims 3-6, which depend from claim 2, applicant request the objection to these claims be withdrawn and that these claims be allowed.

#### Claim 11

Claim 11 has been rewritten in independent form, including all of the limitations of independent claim 7, which has been cancelled. Claim 11 has also been amended to clarify the recitation of the etch steps recited in original claim 7. Applicant, therefore, requests that the objection to this claim be withdrawn and that claim 11 be allowed. With respect to claims 12-15, which depend from claim 11, applicant request the objection to these claims be withdrawn and that these claims be allowed.

#### Claims 1 and 16

Claims 1 and 16 stand objected to as containing informalities. Specifically, in claims 1 and 16, lines 3, 6 and 10, the word "pattered" before "first" is misspelled. Claim 1 has been cancelled, rendering the objection moot with respect thereto. Claim 16 has been amended to correct the misspelling, and thus applicant request the objection to this claim be withdrawn. With respect to claim 17-20, which depend from claim 16, applicant request the objection to these claims be withdrawn and that these claims be allowed.

**Claim 21**

Claim 21 stands objected to based on a lack antecedent basis for the limitations "surface of said substrate," in lines 4-5 of the claim, and the limitation "surface of said layer of inter-polysilicon dielectric material," in lines 13-14 of the claim. In both cases, the limitation "the surface" has been amended to recite "a surface," and thus applicant requests that these objections be withdrawn. With respect to claim 22-28, which depend from claim 21, applicant request the objection to these claims be withdrawn and that these claims be allowed.

**Rejections****35 U.S.C. § 102(e)**

Claims 1 and 7-10 stand rejected under 35 U.S.C. § 102(e) as anticipated by the Chen publication. Independent claims 1 and 7 have been cancelled, thus rendering the 35 U.S.C. § 102(e) rejections of these claims moot. Claims 8-10 have been amended to depend from claim 11, which as noted above has been rewritten in independent form, including all of the limitations of base claim 7. The examiner has indicated that claim 11 contains allowable subject matter, and thus applicant requests that the 35 U.S.C. § 102(e) rejection of claims 8-10 be withdrawn and that these claims be allowed.

**Editorial Corrections**

Independent claims 2, 11, 16 and 21 have been amended to clarify the recitation of the etch steps to read "a break-through etch (BT), a main etch (ME), an over etch (OE) and a flash etch," in lieu of "BT-ME-OE-flash." The preambles of these claims have also been clarified.

Further, claims 15 and 28 have been amended to correct the recitation of the range of rates at which etchant gas SF<sub>6</sub> is supplied to read "between about 40 and 60 sccm" in lieu of "between about 40 and 6 sccm." Support for this range can be found in the specification at page 13, lines 13-17.

Additionally, claims 5, 14, 19 and 27 have been amended to clarify the range at which He-O<sub>2</sub> is supplied, to read "about 3.0 sccm," in lieu of "3.0 to about 3.0 sccm."

In view of the foregoing amendments and remarks, Applicant submits that this application is in condition for allowance. Early notification to that effect is respectfully requested.

No fee is believed due with this submission. Should any fees be required, however, the Commissioner for Patents is hereby authorized to charge any such required fees to deposit account 50-2061.

Respectfully submitted,



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